

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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CBS BROADCASTING INC.,	:	Index No. 17-cv-08321
	:	ECF Case
Plaintiff,	:	
v.	:	COMPLAINT
JON TANNEN,	:	
	:	
Defendant.	:	
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Plaintiff CBS Broadcasting Inc. (“CBS” or “Plaintiff”), by its attorneys, brings this action against Defendant Jon Tannen (“Tannen” or “Defendant”) and complains and alleges as follows:

Nature of the Action

1. This copyright infringement action arises out of Defendant’s unauthorized use of Plaintiff’s valuable intellectual property. Tannen hypocritically engaged in this act of infringement while simultaneously bringing suit against Plaintiff’s sister company, CBS Interactive Inc., claiming it had violated his own copyright.

Jurisdiction and Venue

2. This Court has jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338, because the action arises under the Copyright Act, 17 U.S.C. § 101, et seq.

3. This Court has personal jurisdiction over Defendant by virtue of his residing and transacting, doing, and soliciting business in this district and because Defendant engaged in tortious acts causing injury to Plaintiff and Plaintiff’s property in this district.

4. Venue is proper in this district under 28 U.S.C. § 1391 and 1400(a).

The Parties

5. Plaintiff CBS Broadcasting Inc., formerly known as CBS Inc., is a corporation organized and existing under the laws of the State of New York, with its principal place of business in New York, New York.

6. Upon information and belief, Defendant is an individual residing in New York, New York.

Background

7. Plaintiff is actively engaged in the production, broadcast, distribution and licensing of copyrighted entertainment products.

8. Among the copyrighted television programs created, owned, and distributed by Plaintiff is the famous television series GUNSMOKE.

9. GUNSMOKE was first broadcast on the CBS Television Network from 1955 through 1975. It remains among the longest-running and most popular dramatic series in the history of television.

10. GUNSMOKE remains available on television and other media formats in the United States and worldwide.

11. One of the episodes of the program, entitled “Dooley Surrenders,” first aired on the CBS Television Network in 1958. It recently aired on MeTV on March 14, 2017. Plaintiff owns U.S. Copyright Registration No. RE 279821 for this episode.

Defendant’s Unlawful Conduct

12. Defendant has, upon information and belief, engaged in a pattern and practice of posting copyrighted images to the Internet.

13. Without any license or authorization from Plaintiff, Defendant has copied and published via social media platforms images copied from the “Dooley Surrenders” episode of GUNSMOKE.

14. Defendant’s infringement of Plaintiff’s copyright is willful within the meaning of the Copyright Act.

CLAIM FOR COPYRIGHT INFRINGEMENT

15. Plaintiff repeats and realleges the allegations contained in paragraphs 1 through 14 above as if fully set forth herein.

16. The “Dooley Surrenders” episode of GUNSMOKE is original copyrightable subject matter under the laws of the United States.

17. The Register of Copyrights has issued a Certificate of Registration for this episode.

18. Plaintiff has complied in all respects with 17 U.S.C. §§ 101, *et seq.*, and has secured the exclusive rights and privileges in and to the copyright in the episode.

19. By his actions alleged above, Defendant has infringed Plaintiff’s copyright in the episode.

20. As a direct and proximate result of Defendant’s wrongful conduct, Plaintiff has been harmed in an amount not readily capable of determination.

21. By reason of the foregoing, Plaintiff is entitled to recover such actual or statutory damages (including damages for willful infringement) and its attorney’s fees that have been caused by or are attributable to Defendant’s unlawful acts.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that the Court to enter judgment in its favor granting relief as follows:

- A. An award for damages suffered by Plaintiff for all damage incurred as a result of Defendant's infringement in an amount to be determined at trial or, alternatively, for statutory damages for willful infringement;
- B. An award for Plaintiff's attorneys fees, costs and expenses; and
- C. Such other and further relief as the Court may deem just and proper.

JURY DEMAND

Defendant demands a trial by jury of all issues triable by jury.

Dated: New York, New York
October 27, 2017

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